

REMARKS

Applicants submit the present amendment in response to the non-final Office Action dated March 17, 2005 in which the Examiner rejected claims 1-26, 56, 58-77 and 79-97, and objected to claims 27-55 and 78. Favorable reconsideration is requested in view of the above amendments and the following remarks.

35 U.S.C. § 112, 2nd paragraph rejections

Claim 1 was rejected due to lack of proper Markush terminology, i.e. “selected from the group comprising,” and due to the absence of “and” between the last two members of the group. The phrase “selected from the group comprising” has been replaced with the phrase “selected from the group consisting of” and “and” has been inserted between the last two members of the group.

Claims 2, 25, 58 and 79 were rejected due to lack of Markush terminology and due to the absence of “and” between the last two members of what should be a Markush group. Applicants have replaced the terms “include” and “includes” of claims 2, 25, 58 and 79 with proper Markush language and have inserted “and” between the last two members listed.

Claims 1, 24, 56 and 77 were rejected because the Examiner found it unclear what else would be included in the groups. Applicants have deleted “etc.” from claims 1, 24, 56 and 77.

Claims 1 and 2 were rejected because the Examiner found the term “novel” to be superfluous. The term “novel” has been deleted from claims 1 and 2.

Claim 26 was rejected because the Examiner found what is encompassed by the phrase “other organic compounds” to be unclear. Applicants have deleted the phrase “other organic compounds” from claim 26.

Claim 24, 26, 27, 29, 30, 33, 34 and 37 were rejected because the Examiner found it unclear whether a section label was missing in view of the presence of sections labeled (b) and (c) but no section labeled (a). Applicants submit that the sections were mislabeled and have amended claims 24 by re-labeling sections (b) and (c) as sections (a) and (b), respectively. Support for this amendment can be found at pages 10-11 of the present application which in fact show said sections as being labeled (a) and (b), respectively.

Claim 56 was rejected because the Examiner found it unclear what kinds of compounds are encompassed by the phrase “and compounds thereof.” Applicants have deleted this phrase from claim 56.

Claim 56 was rejected because the Examiner found that the recitation of language representing a method step, i.e., “comprising of administering effective dosage of...” in the claim though claim 56 appeared to the Examiner to be drawn to a pharmaceutical composition rendered it unclear whether Applicants intend claim 56 to be a composition claim or a method claim. Applicants have replaced “of administering” with “an.”

Claim Objections

Claims 27-55 were objected to as being dependent upon rejected base claim 24.

Applicants respectfully submit that the foregoing amendments to claim 24 place claim 24 in allowable form, and render the Examiner's objections to claims 27-55 moot.

Claims 57 and 78 were objected to as being dependent upon rejected base claims 56 and 77, respectively. Claims 56 and 77 have been amended to incorporate the recitations of claims 57 and 78, respectively. Applicants submit that the foregoing amendments place claims 56, 77 and the claims dependent thereon in allowable form.

Anticipation Rejections

Claim 1 was rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Clifford, U.S. Patent No. 2,133,779. On page 4 of the Office Action, the Examiner contended that the reference discloses the compound as claimed by Applicants wherein R1, R2, R3 and R4 are hydrogen and n is 2.

Applicants submit that Clifford neither teaches nor renders obvious at least the compound claimed by Applicants wherein either R1 and R2 or R3 and R4 cannot both be hydrogen. Accordingly, Applicants have amended claim 1 to recite that either R1 and R2 or R3 and R4 cannot both be H. Applicants submit that the foregoing amendment renders claim 1 not anticipated by Clifford.

Claims 1, 3-23, 56, 59-77, 80-97 were rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Albright et al., U.S. Patent No. 4,260, 816. Albright et al. teach a structural formula wherein X is selected from the group consisting of a number of naphthyl groups and

wherein Y is a branched or straight alkylene chain, C_nH_{2n} wherein n is 2 to 12. On page 4 of the Office Action, the Examiner alleged that the reference discloses the compound as claimed by Applicants wherein R1, R2 and R3 are hydrogen, R4 is a substituted phenyl group and n is 2 or 6.

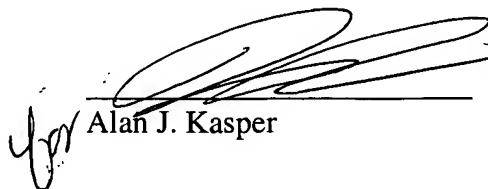
Applicants submit that Albright et al neither teaches nor renders obvious at least the compound as claimed by Applicants wherein either R3 and R4 are not a substituted phenyl group. Accordingly, Applicants have amended claim 1 to delete the recitation that R3 and R4 can be a substituted phenyl group, Applicants have amended claims 57 and 77 to incorporate the recitations of claims which have not been rejected. Applicants submit that the foregoing amendments render claims 1, 3-23, 56, 59-77, 80-97 not anticipated by Albright et al.

In view of this amendment, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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AMENDMENT UNDER 37 C.F.R. § 1.111
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